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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,635	11/20/2001	Tullio Gonzaga	R23-002	8806
7590	11/18/2003		EXAMINER SANDERS, ALLYSON N	
R. Neil Sudol Coleman Sudol Sapone, P.C. 714 Colorado Avenue Bridgeport, CT 06605-1601			ART UNIT 2876	PAPER NUMBER

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,635

Applicant(s)

GONZAGA, TULLIO

Examiner

Allyson N Sanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Re claim 1, line 3: Replace "in that it comprises" with --in that the machine comprises--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Meadows (6,149,060).

Meadows teaches the following in regards to claims 1-3:

"A specific pattern is used as a code to provide an identification number and/or part number on a rubber object" (Abstract, lines 1-3). In the full disclosure of Meadow's invention, it is taught that a rubber object includes a tire.

"The method may comprise the additional steps of: (a) storing historical information specific to the rubber object, and (b) updating the history and status of the rubber object, if desired, when the unique spacing and frequency of the sipes are read. The history and status may be transferred to a data base in a computer, and the data base updated when the identifying symbols on the rubber object are read." (Col. 1, lines 55-61).

Figure 3 discloses a code (15) on a tire (10) and a technician (44) reading the code with a sensor (44). (Col. 4, lines 7-8).

Still regarding figure 3: "In the illustrated embodiment, when the sensor 46 is activated and brought into the proximity of the code 15, to within 1/2 to about 6 inches, the sensor converts vibration patterns created by the sensor and reflected off the sidewall of the tire into a binary code which is translated into symbols such as letters and/or numbers, and may be read visually on an appropriate display, or read into memory for further correlation with data." (Col. 4, lines 8-15).

"In the method, the history of the tire is retained in a data base, which is updated at appropriate points in the history of the tire and/or at specific time

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intervals. When the identification (id) number and/or part number (pn) of the tire is read, the technician can correlate the id/pn with the data base and determine how many times the tire has been retreaded, how many total take-offs and landings the tire has encountered, how many take-offs and landings encountered since the last retread and the amount of time in service. This information, together with visual inspection of the tire, can be used in a comprehensive preventative maintenance program." (Col. 4, lines 16-26).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meadows (6,149,060) in view of Menard et al (6,422,097).

Meadows' teachings are discussed above. Meadows' teaches having a code on a tire in order to identify specific information regarding a tire for the purposes of performing maintenance on the tire. Meadows fails to specifically teach different maintenance applications such as mounting and dismounting, balancing, and inflating the tire.

Menard et al teaches the following in regards to claims 5, 7, and 8:

"An assembly line for mounting tires on wheels, for inflating the tire mounted on a wheel, for placement of the bead heels of the tire and for balancing

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which also includes apparatus for checking the conformity of the diameter of the tire to be mounted and for checking the conformity of the dimensions of the wheel.” (Abstract).

“The delivery of quality mounted assemblies to a manufacturer requires matching of the tire to the wheel to conform to the manufacturing customer’s demand, that is, it requires a good tire to be mounted on a good wheel.” (Col. 1, lines 52-55).

In view of Menard et al’s teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to combine Menard et al’s assembly line including mounting, balancing, and inflating tires with Meadows’ tire identification means. Menard et al teaches the importance of identifying the tire in order to match the tire to its’ correct wheel, which is specified by the manufacturer. One would be motivated to combine the teachings of Menard et al and Meadows in order to insure that the correct tire is mounted to the correct wheel and also so that other specifications which are encoded in the code on the tire are met while performing maintenance on the tire.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meadows (6,149,060) in view of Menard et al (6,422,097) and in further view of Jones et al (6,069,966).

Meadows and Menard et al’s teachings are discussed above.

Meadows in combination with Menard fails to teach testing the stress exerted on a tire.

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Jones et al teaches the following in regards to claim 6:

“...a profile of the tire enabling an overall assessment of its state of wear to be made. These determinations may be made at a series of locations around the tire and/or during rotation of the tire. The approach is the same for sidewall and other tire structural determinations.” (Col. 3, lines 44-48).

In view of Jones et al’s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to in addition to the other types of maintenance performed on a tire such as balancing, inflating, and mounting, taught by Menard et al, also check the stress or wear on a tire. One would be motivated to additionally check the stress exerted to the tire in order to insure the safety of a tire. While already performing maintenance checks listed above for the purpose of safety, it would be beneficial to also check the tread of the tire for the same reason.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Starkey (6,580,365), Wacker et al (6,204,758), Marguet et al (2003/0117277), Caretta et al (2003/0170336), Miyazaki et al (6,235,376), Cantwell (6,220,333), and Mizuno et al (4,700,078).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.sanders@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders
Patent Examiner
Art Unit 2876
November 14, 2003

Jared J. Fureman
Jared J. Fureman
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